

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CLARISSA SERENITY
BAILEY, Minor.

MAYSSA ATTIA,

Petitioner-Appellee,

v

LISHA BAILEY,

Respondent-Appellant.

UNPUBLISHED

May 10, 2007

No. 272659

Macomb Circuit Court

Family Division

LC No. 06-000234-NA

Before: Talbot, P.J., and Donofrio and Servitto, JJ.

PER CURIAM.

Respondent appeals as of right the order terminating her parental rights to her minor child under MCL 712A.19b(3)(e), (g), and (j). We affirm.

A petitioner must establish at least one statutory ground for termination of parental rights by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). We must affirm a lower court's decision if there was clear and convincing evidence of any statutory ground, regardless whether the lower court erred in finding sufficient evidence under other statutory grounds. *In re Trejo*, 462 Mich 341, 360; 612 NW2d 407 (2000). Therefore, it is irrelevant whether the lower court should have applied MCL 712A.19b(3)(e), which applies to court-structured plans, or subsection (d), which applies to limited guardianship plans.

Petitioner provided sufficient evidence that respondent failed to substantially comply with plan requirements without good cause and this interfered with the parent-child relationship. See MCL 712A.19b(3)(d) and (e). The lower court had a special opportunity to judge witness credibility and determined that respondent did not offer the required \$25 a week in food. See *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). It was not clearly established that respondent was currently prescribed medication, in light of evaluations that did not diagnose her with bipolar disorder. However, the evidence established that respondent had a personality disorder requiring intensive therapy, and the therapy she obtained did not resolve her issues. It was unclear whether she completed sufficient substance abuse treatment, and there was conflicting testimony regarding her marijuana and alcohol use. Further, respondent was not employed throughout the proceedings, even after her final maternity leave. Although staying home with small children and depending on a partner's income constitutes good cause in some

circumstances, respondent could not reasonably rely on a man who had only recently started supporting her and had a history of substance abuse and domestic violence. At the time of termination, it was unknown where respondent lived after she reported that her boyfriend assaulted her. She did not establish that she maintained a suitable home.

The lower court did not clearly err when it found clear and convincing evidence of a statutory ground to terminate respondent's parental rights under MCL 712A.19b(3)(e). Therefore, we need not address whether there was sufficient evidence under MCL 712A.19b(3)(g) or (j). *In re Trejo, supra* at 360.

Whenever a lower court finds a statutory ground for termination, it must terminate parental rights unless termination was clearly against the children's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 352-353. There is no specific burden of proof on either party; rather, the trial court should weigh all evidence available. *Id.* at 354. The lower court erred when it held that respondent had the burden. However, the lower court properly analyzed all evidence despite its misstatement; therefore, there was no error requiring reversal. Further, the court offered sufficient findings of fact. MCR 3.977(H)(1).

Evidence established that respondent and the child shared a close bond and respondent had good parenting skills. However, respondent failed to sufficiently address her psychological problems and provide a stable home for her daughter more than two years after the proceedings began. The court should consider the child's need for permanence. See *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). The lower court did not err when it held that termination was not clearly against the child's best interests and terminated respondent's parental rights.

Affirmed.

/s/ Michael J. Talbot
/s/ Pat M. Donofrio
/s/ Deborah A. Servitto